

## **In a Nutshell: What Every Citizen Should Know About the Federal Courts**

- ★ The Constitution of the United States gives ultimate power to the people, not to the government.
- ★ The Constitution created a governmental structure known as federalism, which requires the sharing of power between the federal government and the governments of each of the 50 states.
- ★ In general, federal courts may decide cases that involve the United States government, the Constitution, or federal laws. The state courts have jurisdiction over a wider variety of civil and criminal cases, including most cases that do not involve the Constitution or federal laws.
- ★ The Constitution established three branches of government – the Executive, Legislative, and Judicial. Courts are the Judicial Branch. As a co-equal branch of government, the Judicial Branch is independent of the Executive and Legislative branches. Courts have the authority to interpret and apply the law without pressure from the other two branches.
- ★ Federal courts have the power of judicial review. This means they can review acts of Congress and actions of the President to ensure that they are permitted by the Constitution. If they are not permitted, the Supreme Court of the United States or any federal court may declare such acts or actions unconstitutional. When that happens the acts or actions do not have the force of law.
- ★ The federal courts hear both civil and criminal cases. Civil cases involve disputes between private individuals, i.e. contract disputes. Criminal cases involve offenses against the whole community or society, i.e. murder. Courts follow different procedures in civil and criminal cases.
- ★ Within the federal and state court systems, there are two levels – trial courts and appellate courts. Trial courts, called U.S. District Courts, are courts of original jurisdiction. They are the first courts to hear either a civil or criminal case. If parties are not satisfied with the decision of a trial court, they may ask an appellate court, called a U.S. Circuit Court of Appeals, to review the trial court decision.
- ★ If parties are not satisfied with the decision of the U.S. Circuit Court of Appeals, they may appeal to the Supreme Court of the United States. The Supreme Court selects the cases it will hear. As the highest court in the land, the Supreme Court is the final interpreter of the U.S. Constitution.
- ★ In addition to the judges, many other people work together to ensure the success of the judicial system. These include court staff, U.S. Attorneys, Federal Public Defenders, lawyers in private practice, U.S. Marshals, etc.
- ★ Citizens play a crucial role in the American judicial system. They help to ensure the fair and impartial administration of justice by participating directly in the work of the courts as jurors, witnesses, and court system employees. However, the central role that citizens play in ensuring the rule of law is using courts to settle disputes peacefully, and abiding by court orders.

# **What Every Citizen Should Know About the Federal Courts**

## **Key Concepts**

### **Constitutional Background**

In the United States, ultimate power resides in the people; it resides in us. We are responsible for giving our government its power. The powers that we, the people, have decided to give to our government are found in the Constitution of the United States. Two main goals of the Constitution are: (1) to clearly define the powers of our government so that it does not become too powerful; and (2) to protect our individual rights. To make sure that our government does not become too powerful, the Constitution establishes three separate branches of government. These include the legislative (Congress) which makes the law; the executive (the President, Cabinet, military, etc.) which enforces the law; and the judicial (the courts) which interprets and applies the law. All three branches of our government are equal, and none of the three is more important than the others. To drive home this point, the Constitution establishes a *system of checks and balances* whereby each branch of our government can prevent the other two from gaining an excessive amount of power.

### **Judicial Review**

Perhaps the most important check that the judicial branch has on either the legislative or executive branch is its ability to declare that an Act of Congress or an action of the President is unconstitutional (meaning, that the act or action violates the Constitution). Since we agree to abide by the Constitution in order to live under a government that protects our rights, the Constitution is the “Supreme Law of the Land” in the United States. This means that no law may be made, or action taken, which violates the Constitution. However, what happens if a part of our government, as it has done from time to time in the past, acts in a manner that is not permitted by the Constitution? What happens if a part of our government violates our rights as American citizens? The United States is unique among many nations of the world in that its Constitution provides a solution to problems such as these. This solution is found in our judiciary; it is found in our federal courts. If we feel that an Act of Congress or an action of the President violates the Constitution and violates our rights, we have the ability to challenge it in a court of law. If our challenge is successful, the court will strike down the Act or action and it will no longer have binding force on us. This important power of the federal courts is known as the power of judicial review. Our courts are more than just places where criminals are tried and punished. They are also the defenders of the Constitution and of the rights and liberties that are protected by it.

## **Jury Service**

Juries are one of the most important ways that we, as citizens, can directly participate in our government. A jury is a panel of citizens that determines the facts of a legal case. Juries are used in both civil and criminal trials. Civil trials are legal cases between two private individuals while criminal trials are legal cases in which a person is accused of a crime that affects society as a whole. An easy way to distinguish between the two types of trials is by observing what punishment a court may assign in each case. In a civil trial, for example, accused persons may not be imprisoned even if they are found to be at fault (if they have injured another person in some manner). However, in a criminal trial accused persons may be imprisoned if they are found guilty. When serving on a jury in a civil trial, we are responsible for determining who is at fault. When serving on a jury in a criminal trial, we are responsible for determining if a defendant is guilty. Most of the time, all members of the jury must reach the same conclusion concerning fault or guilt. This conclusion is known as a verdict. Juries help to preserve the democratic nature of our Constitutional form of government by allowing us to be judged by our peers when we are accused of a crime, and also, to be the judges of our peers who are accused of a crime.

In order to serve on a jury, we must first meet the following criteria:

- ★ Be a U.S. citizen,
  - ★ Be at least 18 years of age,
  - ★ Understand the English language,
  - ★ Have lived in the judicial district (geographical area where the court is located) for one year prior to being called to serve on a jury,
  - ★ Have never been convicted of a felony, and
  - ★ Be of sound mental condition

## **Judicial Independence**

An independent judiciary makes decisions based on law, not outside influences. Constitutional safeguards help to ensure that the decisions judges render are not influenced by Congress, the President, or public opinion. The Founders realized that, only by removing the judiciary from the influence of the other branches, could justice be available to those holding both popular and unpopular views. Judges must be appointed by the President and confirmed by the Senate. However, after they take the bench, judges are not dependent on either of the other branches. Congress and the President may not decrease a judge's salary while the judge serves on the bench. Judges hold office "during good behavior," as stated in the Constitution, typically for life. Judges may only be removed from the bench for misbehavior in office, and not simply because their decisions are unpopular. The judiciary's independence in its legal decision making and its power to review the acts and actions of the other two branches make it the final protector of our rights and liberties. This is possible because the other branches of our government respect the judiciary's independence and authority. Our respect for, and willingness to abide by, the rulings of the judiciary distinguish our court system from many others around the world.

## **Recapping Key Facts**

### **Multiple Choice**

1. The highest court in the land and the final decider of Constitutional questions is \_\_\_\_\_.
  - A. Congress
  - B. The President
  - C. The U.S. District Courts
  - D. The U.S. Circuit Courts of Appeal
  - E. The Supreme Court of the United States
2. What is meant by the term “judicial review”?
  - A. The name of the third branch of government
  - B. Congress’ authority to make laws
  - C. The process of appealing cases to a higher court
  - D. The courts’ authority to enforce the laws
  - E. The courts’ authority to declare that a law, an Act of Congress, or an action of the President violates the Constitution and, consequently, is without force
3. Name two things that distinguish federal courts in the U.S. from courts in other countries.
  - A. The ability to make and (ii) to enforce the law
  - B. Judicial review and (ii) the ability to enforce the law
  - C. The independence of the judicial branch and (ii) the ability to enforce the law
  - D. Judicial review and (ii) the independence of the judicial branch.
  - E. None of the above
4. How can law-abiding citizens get involved in the court system?
  - A. Serving on juries
  - B. Acting as witnesses
  - C. Resolving disputes using the judicial system
  - D. All of the above
  - E. None of the above

### **COMPLETE THE SENTENCE**

5. Courts are established to\_\_\_\_\_.
6. Courts get their power from\_\_\_\_\_.

## TRUE OR FALSE

- 7.\_\_\_\_Errors of law and imperfections in the American justice system are mainly corrected by the trial courts.
- 8.\_\_\_\_Judges rely on Public Defenders, among others, to help ensure the fair and impartial administration of justice.
- 9.\_\_\_\_Trial courts are responsible for determining the facts of a particular legal case.
- 10.\_\_\_\_ The Judicial Branch is called the Third Branch. It is equal to the Executive Branch and the Legislative Branch.

## ANSWER KEY

1. E                                      2. E                                      3. D                                      4. D
5. Help settle disputes peacefully
6. We, the people, and the Constitution
7. F – Appellate courts              8. T                                      9. T                                      10. T

